

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 EMANUEL D. SMITH,

4 Plaintiff

Case No. 2:18-cv-02061-MMD-GWF

ORDER

5 v.

6 JAMES COX et al.,

7 Defendants
8

9 **I. DISCUSSION**

10 Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections
11 (“NDOC”), has submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1).
12 Plaintiff has neither paid the full filing fee for this matter nor filed an application to proceed
13 *in forma pauperis*.

14 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an
15 application to proceed *in forma pauperis* and attach both an inmate account statement
16 for the past six months and a properly executed financial certificate. The Court will retain
17 Plaintiff’s civil rights complaint (ECF No. 1-1), but will not file it until the matter of the
18 payment of the filing fee is resolved. Plaintiff will be granted an opportunity to file an
19 application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this
20 action. If Plaintiff chooses to file an application to proceed *in forma pauperis* he must file
21 a fully complete application to proceed *in forma pauperis*.

22 **II. CONCLUSION**

23 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND
24 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well
25 as the document entitled information and instructions for filing an *in forma pauperis*
26 application.

27 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
28 Plaintiff must either: (1) file a fully complete application to proceed *in forma pauperis*, on

1 the correct form with complete financial attachments in compliance with 28 U.S.C. §
2 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing
3 fee and the \$50 administrative fee).

4 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
5 dismissal of this action may result.

6 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
7 (ECF No. 1-1), but will not file it at this time.

8
9 DATED THIS 31st day of October 2018.

10 
11 UNITED STATES MAGISTRATE JUDGE